IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24076 of 2004

Between:

M/s. Sumanasa Finance Private Limited

Rep by its Managing Director,

S.Laxman Kumar Occu: Business

R/o. 1-8-32/4/A Bapu Bagh, P.G.Road, Secunderabad-3

..... PETITIONER

AND

The Estate Officer,

Air Port Authority of India,

Hyderabad Airport, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to quash the order dated 10-8-2004 passed in CMA No.100/2002 on the file of the Court of Principal District Judge, R.R.District, L.B.Nagar to the extent of holding that the respondent herein has complied with the mandatory requirements under section 4 of the Public Premises (Eviction of unauthorized occupants) Act 1971 as illegal, arbitrary and unjust by issuing appropriate writ of certiorary or any other writ or order or direction

Counsel for the Petitioner:MR.M.V.S.SURESH KUMAR

Counsel for the Respondent No.: MR.E.MADAN MOHAN RAO

The Court at the stage of admission made the following :

ORDER:

The petitioner company stated to have been allotted Old barrack quarter No.R-26 on lease basis for running recreation club vide letter of allotment dated 17-2-1999, valid upto 31-3-2002 and thereafter extended mutually as agreed between the parties. The petitioner contends that it has spent huge sums of money for bringing the said premises to living standards and while so, the respondent issued a notice dated 18-3-2002 directing the petitioner to vacate the premises. For which the petitioner has submitted his reply on 22-3-2002 and subsequently filed a suit in O.S.No.220 of 2002 on the file of the Principal Junior Civil Judge (West & South),Ranga Reddy district. A show cause notice under section 4(1) of the Public Premises (Eviction of unauthorized occupants) Act 1971 was issued to the petitioner, for which the petitioner has issued a reply notice on 17-6-2002. Thereafter, respondent passed an order dated 2-7-2002 directing eviction of the petitioner. Questioning the said order, the petitioner filed an appeal in C.M.A.No.100 of 2002 on the file of the Court of Principal District Judge, R.R.District and by order dated 10-8-2004 the appeal was allowed and the matter was remanded to the respondent for disposal in accordance with law. The petitioner contends that since the matter is remanded, he may be permitted to urge all the grounds including the validity of the notice dated 28-5-2002 before the respondent and the same may be considered in accordance with law.

Heard learned counsel for petitioner and Mr.E.Madan Mohan Rao for respondent. Both counsel agreed for disposal of the writ petition at the admission stage.

The petitioner herein only wants to raise certain additional grounds before the primary authority/respondent. Having regard to the fact that the rights of the petitioner are involved, and the fact that sufficient opportunity must be given to the party, I am inclined to grant leave and liberty to the petitioner to urge all the grounds available to him in law, after the remand, before the respondent /primary authority. It is needless to mention that the respondent shall consider all the grounds raised by the petitioner on merits, in accordance with law, while passing a speaking order.

Subject to above observation, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

23-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1..The Estate Officer,

Air Port Authority of India,

Hyderabad Airport, Hyderabad

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